

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON THURSDAY, OCTOBER 4, 2012 AT 3:30 P.M.

ITEM I. CALL TO ORDER

Chairman Gregory Williams called the Planning Commission meeting to order.

ITEM II. ROLL CALL

A call of the roll noted Commissioner Mary Bunting was absent.

ITEM IV. Minutes

A motion was made by Commissioner Carlton Campbell and seconded by Gaynette LaRue to approve the minutes as amended of the September 6, 2012 work session and Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Campbell, Young, McCloud, LaRue, Snead, Williams
NAYS:	None
ABST:	Williams
ABSENT:	Bunting

ITEM V. STAFF REPORTS

A. Youth Planner Report

Chyna Matheny, Junior Youth Planner, stated during the summer the youth planners focused on the Youth Friendly Business Project, analyzing results and writing letters to the evaluated businesses. Now, the Youth Planners are in the process of creating a webpage to include an interactive map which locates these youth friendly businesses and gives teens the opportunity to post comments of what they think of them. By doing this, it is their hope to see an increase in youth friendly businesses and maintenance of ones that are already qualified.

The Neighborhood Youth Advisory Board and Hampton Youth Commission have plans to collaborate. The Neighborhood Youth Advisory Board is the board of The Neighborhood Commission made up of young people and is responsible for having the pulse of the youth in the community and creating connections between youth groups. It is important that these two similar youth organizations of the city of Hampton work together to achieve the ultimate vision: Young People with the power and voice to shape the future of Hampton. Some ways in which the two groups can co-function include assisting each other with recruitment, publicizing youth events, informing the public of youth civic engagement, and having input on the Youth Component of the Hampton Community Plan update.

The Hampton Youth Commission will host the kickoff meeting to begin the process for updating the Youth Component. Since this document is for the youth and by the youth, youth are being asked their thoughts and opinions on how they feel about Hampton and what goals and objectives need to be prioritized to improve Hampton for youth.

The Youth Planners introduced the Youth Component update process at Hampton Youth Commission's meeting on September 17, 2012. This process consists of a kick-off meeting, focus groups, analyzing data, and revising the current Youth Component. The kick-off meeting will be held October 15th, 6-8pm, at the Rupert Sargent building. The Youth Planners will briefly describe the youth component; the Hampton Youth Commission; the importance of the Component; why it is being updated; why help is needed from teens throughout the City of Hampton; and how teens can continue to be a part of this process. At the kickoff meeting, youth will be able to sign up for a focus group in which they have interest.

"Youth will lead in the future. So we need to take part in the decisions that will affect us today." – stated by Danielle Graves, a former Youth Commissioner. This quote inspires the Youth Planners to get as many teens as possible to the kick-off meeting and be a part of the focus groups. The Youth Component is the roadmap for the future of teens in Hampton. Updating the Youth Component is a great way for youth to realize they can be involved in making Hampton what they want it to be.

In response to Commissioner Campbell's question, Senior City Planner Mike Hayes stated the link to the Youth Commission's webpage is in the works but there is not yet a specific page for it. The City as a whole is working toward a new web page and once that is up and running the Youth Commission will be a part of it. The interactive map referred to by Chyna will be available for access through the Community Development site until then. Senior Youth Planner James Payne stated the map will be available in the near future.

B. VIMS Shoreline Report

Donna Milligan, stated she is a Marine Scientist at Virginia Institute of Marine Science and works in the Shoreline Studies program. A shoreline evolution report was completed last year for the city of Hampton and she has been asked to make a presentation on that report.

Shoreline Evolution

- Documenting how the shore zone has evolved since 1937.
- Determining the rate and patterns of shore change to know how a particular coast has changed thought time and how it might proceed in the future.

This information is done by using aerial imagery to determine the rates and patterns of shoreline change so it can be determined how a particular coast

changes through time and how to proceed in the future. The information is used in a variety of ways: as one of the reviewers of the Virginia Marine Resource permitting process; develop shoreline management plans for different localities and agencies throughout the bay; and used to help develop environmentally sensitive shore protection systems. Currently have about 20 localities done.

METHODS

Historic (Pre-1994) Vertical Aerial Image Sources

- Shoreline Studied Program Archives
- National Archives
- Hampton Roads Planning District Commission
- Virginia Department of Transportation

Existing Orthorectified Vertical Photo Mosaic Sources

- 1994 USGS
- 2002, 2005-07, 2009, 2011 Virginia as Mapping Program

Hampton was one of the localities covered in 2011.

Historic (Pre-1994) Vertical Aerial Images

- Scan photos
- Orthorectify images in ERDAS Orthobase software

For the historical imagery nothing has to be done with the existing images, pre-1994 images have been scanned and then GIS can be used to orthorectify the images so they can lay on top of each other accurately in space which allows the shorelines to be digitized on the images. They try to do the wet and dry lines along the sandy coast. Up creeks and rivers where it is difficult to see high water due to tree cover and banks, and marsh they try to do the toe of the beach or the edge of the marsh. USGS has a program that allows the rate of changed to be calculated.

End Point Rate of Change

- The end point rate (EPR) of change is used to categorize shorelines.
- The EPR is simply the distance between 2 digitized shorelines divided by the number of intervening years.
- For Hampton, the EPR was calculated between the 1937 and 2009 shorelines.
- The EPR does not account for variability in rates of change due to man-influences through time.

Intervening years have been calculated for Hampton and can be found in their report. Reports show everything from accretion to high erosion. Images were shown: Back River, Langley, Buckroe and Factory Point.

Summary Rates of Change

Overall, much of Hampton's shorelines have very low erosion or accretion rates. This is highly influenced by man's activities along the shoreline.

Funding has been through NOAA and DEQ – the Virginia Coastal Program. Further information can be obtained online through the VIMS website: <http://web.vims.edu/physical/research/shoreline/>

In response to a question from Commissioner Campbell, Ms. Milligan stated shoreline distances are determined from different sources and therefore may not be exact, but are close (i.e. Hampton having 95 miles of tidal shoreline). The shoreline change data can be provided to the Planning Department.

In response to a question from Commissioner LaRue, Ms. Milligan stated that the information is used for the maintenance of shorelines maps on shoreline data and should be updated when the 2013 images come out. The last were done in 2009; not all localities were done in 2011 to allow that information to be consistent. What the reports try to encourage is for landowners to provide living shorelines instead of bulkheads and revetments (good for shore protection) in order to provide habitats for the fish and birds. Encouraged are breakwaters for beaches and sills (small revetments offshore that a marsh can grow behind) for creeks. This is one component and what they do for VMRC. Encouraging habitat development as part of land use is something that would be useful for the City. From VIMS perspective it is a way to increase the health of the bay.

In response to a question from Commissioner Williams, Ms. Milligan stated one can look at the 1937 figures compared to the 1980 figures to determine the rate of erosion in order to project future impacts due to erosion and show what would be if there had not been any replenishment done.

Keith Cannady stated a couple of items staff can follow up on are the number of miles of Hampton shoreline and how beach fill is monitored and how it performs over time.

C. Phoebus Master Plan Update

Keith Cannady stated this update is a progress report on the Phoebus Master Plan. This work is being done at the same time as important planning work is being done for the National Park Service and the Fort Monroe Authority property. A graphic has been generated which all three use. They have done their best to work together when going through the planning process as the work affects each and have done their best to complement each other on the three sets of properties.

What has changed since 2007?

- Fort Monroe has closed, and the area has noticed a substantial drop in daily traffic.
- The Fort Monroe Authority and the National Park Service have undertaken planning efforts to determine the future of their properties.
- The country has faced the worst economic recession of our time.

A Three Phase Process has been followed.

1. *Understanding*: Figuring out what is going on.
2. *Exploring*: Trying out some ideas.
3. *Deciding*: Choosing what to do – all with broad based participation.

The big part is the public and stakeholder input; particularly in Phoebus. The commercial market study has been updated and Phoebus is now looked at as a gateway community - as it is the community one drives through to get to a national park - and that affects the community. Other communities where this has happened have been checked out.

The public comments have been that the strengths of Phoebus are: its unique character; historic buildings; independent and locally owned businesses; and it is closely connected to Fort Monroe.

Some potential weakness are the poor conditions of public spaces – everything from highway medians to vacant lots; cut-through traffic; and poor property and building maintenance in some areas of the community. There are limited retail offerings (i.e. convenience type retail); some perception of crime; and even though there is support for the plan there is a perception of inaction on the plan implementation and a need that it should move faster.

From the commercial market study some of the challenges are a number of vacant storefronts; potentially abandoned properties; and poor property and building maintenance.

Some important and valuable opportunities noted in the study were: the historic buildings; the proximity to Fort Monroe; and redevelopment of key in-fill sites. A positive is that there are city owned and privately owned sites in Phoebus ready for redevelopment in good locations.

Some of the key results in terms of market potential are: support for additional restaurants; an art district and the retail typically associated with an arts district; and the opportunities that would come with the redevelopment and reuse of the Fort Monroe properties (i.e. new residents and new businesses).

Other key findings are the potential to capture visitor spending from activity at Fort Monroe as it is now a national monument and there are recreational opportunities there; the underutilized waterfront sites; and limited office development potential.

From the housing market study update, challenges for Phoebus are: poor condition of some housing in the area; and the limited amount of high-quality retail to support housing development.

Some of the plusses are the waterfront adjacent to Fort Monroe; the proximity to the downtown area; and the available retail availability. There is also the historic architecture on Mallory and Mellen; the small-town character; and the easy access to I-64 from Phoebus.

Key findings in the housing potential for Phoebus are the slight increase in the housing market from 2006 (92,250 households); the preference for rental housing which has more than doubled from 2006 (16% to 33%); and the market concentration on higher density housing types. There is the potential for new detached housing on selected vacant single-family lots and the higher percentage of younger singles and couples in the target market (59%).

The other communities being looked at as gateway communities that have been compared as similar with visitor potential with their numbers are: the Historic Triangle/3.4 million; Lowell National Historic Park/550,000; and Fort Sumter National Monument/328,000. An early 2008 projection for Fort Monroe was 225,000 to 275,000 and it is now considered a national monument and has recreational opportunities.

The last scheduled meeting for Fort Monroe was September 27-28 which was very well attended. The Phoebus public meeting is scheduled for November 8. The Fort Monroe planning consultants will be back with a final draft/recommendation in December or early January. The plan is to wrap up for final adoption of the Phoebus Master Plan in early 2013.

In response to a question from Commissioner Campbell, Mr. Cannady stated plans were to stay with the same format as done previously with the Fort Monroe Authority staff, the National Park Service staff and the City staff to allow continuation of work with a unified plan. The Phoebus Partnership is also involved.

In response to a question from ~~by~~ Commissioner LaRue, Mr. Cannady stated the Sasaki Firm is the lead consulting firm for the Fort Monroe Authority as well as the Downtown Master Plan and Hampton First. Plans are to build on the earlier planning processes and to focus on implementation actions.

In response to a question from Commissioner Young, Mr. Cannady stated he believed the Fort Monroe Reuse plan is an 18 month process and should be wrapping up in early 2013 and would see about getting a time line. Final

recommendations should be ready for public review in early 2013. Information can be viewed on the web site, **fmauthority.com**, for that planning process.

In response to Commissioner Snead's question, Mr. Cannady stated comments heard by staff from the public and the business community is a wide spread agreement on the overall vision but additional work is needed to match priorities with available funding.

V. Public Hearing Items

- A. Rezoning Application No. 1294-2011** by SCI Virginia Funeral Services Inc. to rezone a parcel (LRSN 13000760) totaling 14.495+/- acres from One Family Residence (R-9) District to Rural Residential (R-R) District with conditions to permit the expansion of an existing cemetery. This parcel is located south of Vernon Stuart Drive, beginning approximately 300 feet west of its intersection with N. Armistead Avenue. R-R permits a cemetery with an approved Use Permit. The Hampton Community Plan (2006, as amended) recommends mixed use and public/semi-public uses for this area; the Coliseum Central Master Plan (2004, as amended) indicates the subject parcel as a potential housing site.

(In conjunction with)

- C. Use Permit Application No. 1072-2011** by SCI Virginia Funeral Services Inc. to expand an existing cemetery operation on parcel (LRSN 13000760) totaling 14.495+/- acres located south of Vernon Stuart Drive, beginning approximately 300 feet west of its intersection with N. Armistead Avenue. The parcel is zoned One Family Residence (R-9) District which requires a rezoning to Rural Residential (R-R) District and an approved Use Permit to allow a cemetery. The Hampton Community Plan (2006, as amended) recommends mixed use and public/semi-public uses for this area; the Coliseum Central Master Plan (2004, as amended) indicates the subject parcel as a potential housing site.

Senior City Planner Donald Whipple stated Rezoning Application No. 1294-2011 by SCI Virginia Funeral Service Inc. is a request for a change in the zoning of a 14.495± acres parcel that fronts approximately 685 feet on the south side of Vernon Stuart Drive, beginning approximately 300 feet west of its intersection with North Armistead Avenue from R-9 to R-R to allow expansion of an existing cemetery. The applicant has proffered nine (9) conditions that would include a site plan, elevations including a maximum height of the mausoleum buildings, and a landscaped buffer along the western and southern boundaries of the site. The only permitted use of the site would be a cemetery. A cemetery is a use first permitted in the R-R district with an approved Use Permit. The change in zoning is being requested in order to bring the existing land use of the site into conformance with the zoning ordinance.

The site is primarily vacant with some existing cemetery plots located near the southern portion of the site. The site is also completely surrounded by a cemetery commonly known as Parklawn Memorial Park Cemetery. The site is currently zoned One Family Residence (R-9) District which requires a change in zoning to the R-R district to allow expansion of the site as a cemetery with an approved Use Permit. Access to the site will be via entrances along Vernon Stuart Drive and North Armistead Avenue.

The project entails 5,940 individual grave sites, 13 multi-user mausoleum buildings and 9 family mausoleum buildings. A cemetery is first permitted in the R-R district with an approved Use Permit. The cemetery was established in 1969 and the proposed expansion process began in February 2011.

The Hampton Community Plan (2006, as amended) recommends mixed use and public/semi-public uses for this site. The public/semi-public designation reflects the existing Parklawn Cemetery use at the time of adoption of the Community Plan. The Coliseum Central Master Plan (2004, as amended) indicates the subject parcel as a potential housing site. In general, the proposed change in zoning would comply with the Community Plan's land use policy for this area of the city. Two of these items are to provide quality community services and facilities and that it be compatible with surrounding development.

The applicant hosted a community meeting September 26, 2012. Approximately 10 were in attendance. There were no negative comments or expressions of opposition.

Conditions for the Use Permit and the Rezoning include:

- UP 1072-2011 - cemetery use only; maximum height of the mausoleum buildings; site developed according to concept plan dated August 2012; elevations; and landscape buffer;
- RZ 1294-2011 - site developed according to site plan dated August 2012; regulations (local, state and federal); and revocation.

Staff recommends approval of Rezoning Application No. 1294-2011, subject to nine (9) proffered conditions and staff recommends approval of the Use Permit Application No. 1072-2011 subject to three (3) conditions.

In response to Commissioner McCloud's question, Mr. Whipple stated the properties are two separate parcels, but are adjacent to each other.

In response to Commissioner Campbell's question, Mr. Whipple stated that 10 people, not including staff, appeared at the public hearing. The only housing in the immediate area is not adjacent to the property.

No one appeared to speak from the public.

Attorney Larry Cumming, attorney with Kaufman and Canoles, 2236 Cunningham Drive, Hampton, appeared before the Commission representing SCI

Funeral Services. Mr. Cumming stated that Cooper School, Bethel A.M.E. Church, and the Community Services Board property are adjacent to the cemetery property.

The cemetery began operation in 1957 and has expanded over the past 55 years to meet the needs of the community. The people who attended the community meeting were just interested in information; the representative from the Community Services Board stated they had no objections; and the representative from the military facility wanted to know where it was relative to their property.

Mr. Cumming stated that this request is just an expansion of what the applicant has been doing for many years. However the zoning ordinance changed in 1995 where cemeteries were not permitted in the type of zone the applicant had. The cemetery was not immediately impacted, but they are now ready to develop the approximately 15 acres that remain to go along with the approximately 40 acres already developed. Slides were presented showing cemetery plots, family mausoleums and the Chapel mausoleum. More than adequate on-site parking is provided.

The granting of the rezoning and use permit requests will allow for the continuance of expansion of the existing cemetery and continued service to the community.

In response to a question from Commissioner Young, Mr. Cumming stated the cemetery property is all adjoining property.

There were no public speakers for either the Use Permit or Rezoning.

After presentation the Commission approved the following:

WHEREAS: the Hampton Planning Commission has before it this day Rezoning Application No. 1294-2011, a proposal by SCI Virginia Funeral Services Inc. to rezone a parcel (LRSN 13000760) totaling 14.495± acres from One Family Residence (R-9) District to Rural Residential (R-R) District with conditions to permit the expansion of an existing cemetery;

WHEREAS: the site improvements include grave sites, mausoleum buildings, and associated access roads and parking areas;

WHEREAS: the site would be developed in substantial conformance with the proffered conceptual site plan layout prepared by Myllmaki Design, titled "Site Master Plan, Parklawn Memorial Park" and dated December 2010, revised August 2012";

WHEREAS: the Hampton Community Plan (2006, as amended) recommends the Mixed Use and Public/Semi-public land uses for this property, recognizing the existing Parklawn Cemetery use; the Plan also recommends high quality design and site planning that is compatible with surrounding development; and providing high

quality community services and facilities in Hampton's neighborhoods;

WHEREAS: the subject property is within the boundaries of the *Coliseum Central Master Plan* (2004, as amended);

WHEREAS: the Master Plan recommends this vacant lot as a potential housing site; although it recognizes the possibility of the cemetery expansion;

WHEREAS: the applicant has proffered conditions, including conceptual site plan, building elevations, structure heights, landscape buffers, and land uses limited to cemetery and its associated uses;

WHEREAS: the applicant hosted a community meeting held on September 26, 2012 and no members of the public spoke in favor or opposition to the proposal; and

WHEREAS: there were no members of the public that spoke either in favor or opposition to the proposal at the Planning Commission public hearing.

NOW, THEREFORE, on a motion to approve the application by Commissioner Gaynette LaRue and seconded by Commissioner Andre McCloud,

BE IT RESOLVED that the Hampton Planning Commission recommends approval of Rezoning No. 1294-2011.

A roll call vote on the motion resulted as follows:

AYES:	Campbell, Young, McCloud, LaRue, Snead, Williams
NAYS:	None
ABST:	None
ABSENT:	Bunting

Before the Planning Commission vote on Use Permit 1072, Mr. Cannady, in response to Commissioner McCloud, stated a Use Permit becomes null and void if not used within two years of City Council approval or after two years of being abandoned.

After presentation, the Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Use Permit Application No. 1072-2011, a proposal by SCI Virginia Funeral Services Inc. to construct and operate a cemetery on a parcel (LRSN# 13000760) totaling 14.495± acres located west of the intersection of Vernon Stuart Drive and North Armistead Avenue;

WHEREAS: according to section 3-1 of the Hampton Zoning Ordinance cemeteries are permitted in Residential Rural (R-R) District, subject to securing a use permit;

WHEREAS: the site improvements include grave sites, mausoleum buildings, and associated access roads and parking areas;

WHEREAS: the site would be developed in substantial conformance with the proffered conceptual site plan layout prepared by Myllmaki Design, titled "Site Master Plan, Parklawn Memorial Park" and dated December 2010, revised August 2012";

WHEREAS: the Hampton Community Plan (2006, as amended) recommends the Mixed Use and Public/Semi-public land uses for this property, recognizing the existing Parklawn Cemetery use; the Plan also recommends high quality design and site planning that is compatible with surrounding development; and providing high quality community services and facilities in Hampton's neighborhoods;

WHEREAS: the subject property is within the boundaries of the *Coliseum Central Master Plan* (2004, as amended);

WHEREAS: the Master Plan recommends this vacant lot as a potential housing site; although it recognizes the possibility of the cemetery expansion;

WHEREAS: the staff recommends three (3) conditions be applied to the use permit that address a development plan, compliance with local, state, and federal regulations, and revocation of permit;

WHEREAS: the applicant hosted a community meeting held on September 26, 2012 and no members of the public spoke in favor or opposition to the proposal; and

WHEREAS: there were no members of the public that spoke either in favor or opposition to the proposal at the Planning Commission public hearing.

NOW, THEREFORE, on a motion to approve the application by Commissioner Andre McCloud and seconded by Commissioner Chris Snead,

BE IT RESOLVED that the Hampton Planning Commission recommends approval of Use Permit No. 1072-2011.

A roll call vote on the motion resulted as follows:

AYES:	Campbell, Young, McCloud, LaRue, Snead, Williams
NAYS:	None
ABST:	None
ABSENT:	Bunting

- B. Rezoning Application No. 1304-2012** by Virginia Health Services, Inc. to rezone 1028 Topping Lane (LRSN 4000567) totaling 3.43± acres from Multiple Residence (R-M) District to Neighborhood Commercial (C-1) District to expand an existing convalescent home. The Hampton Community Plan (2006, as amended) recommends high density residential land use for this area. This application is in conjunction with Use Permit Application No.1083-2012.

(in conjunction with)

- D. Use Permit Application No. 1083-2012** by Virginia Health Services, Inc. to expand an existing convalescent home at 1028 Topping Lane (LRSN 4000567) totaling 3.43 acres. The Hampton Community Plan (2006, as amended) recommends high density residential land use for this area. This application is in conjunction with Rezoning Application No.1304-2012, which requests to rezone the property to Neighborhood Commercial District (C-1).

Senior City Planner Mike Hayes stated Rezoning Application No. 1304-2012 by Virginia Health Service, Inc. is a request to rezone 3.43± acres at 1028 Topping Lane (LRSN 4000567) from Multiple Residence (R-M) District to conditional Neighborhood Commercial (C-1) to expand the building and number of beds permitted for the convalescent center.

The Northampton Convalescent Center has been operating at this location since the late 1980s. A rezoning and use permit were approved in 1988, and in 2006 a second use permit (UP No. 1013) was approved to permit up to 60 beds in the center. Due to the conditions of the rezoning and use permit, a rezoning is required to permit the 70 beds requested by Virginia Health Services, Inc. The applicant is looking to place residents in individual rooms.

While the applicant could choose to apply to remain in the R-M district with an amendment to the existing proffers, the R-M district is being phased out by the City of Hampton as opportunities arise to eliminate its use. Therefore, the applicant has agreed to work with the City and request the C-1 district. The C-1 district also happens to be the zoning on the adjacent property, which is home to an assisted living facility.

The Hampton Community Plan (2006, as amended) recommends high density residential land use in this location. Convalescent centers are home for persons needing medical assistance 24 hours a day. Furthermore, what is proposed is an expansion of a previously approved convalesce center, with this application including

proffers which maintain the character of the property and require the same level of building materials be used on the exterior.

Convalescence centers create a negligible amount of traffic, and the project engineer has reviewed the storm water system to make sure the additional impervious surface created by the proposed new improvements can be managed on site. Therefore, no negative impacts on the surrounding community are expected from the expanded use of this property.

Staff has spoken to the applicant about hosting a community meeting; however one has not been scheduled at this time.

Staff recommends approval of the Rezoning Application No. 1304-2012 with nine (9) proffered conditions.

Staff recommends approval of Use Permit Application No. 1083-2012 with four (4) conditions.

In response to a question from Commissioner LaRue, the applicant's attorney Raymond Suttle, Jr. with Jones, Blechman, Woltz & Kelly, stated a Certificate of Need was required for this type of expansion and Mr. Hayes stated all licensure requirements would need to be met prior to opening the expansion.

In response to a question from Commissioner Campbell, Mr. Hayes stated a community meeting is scheduled to take place on October 16, 2012 prior to the City Council meeting.

Attorney Raymond Suttle, attorney with Jones, Blechman, Woltz & Kelly, 701 Town Center Drive, Newport News, Virginia, stated Jeff Mendelsohn, president of Virginia Health Services and Jeff Stodghill of PMA Architects were also present.

Mr. Suttle stated Virginia Health Services was started in 1963. They currently own six (6) facilities, one in Lancaster County, one in Gloucester, one in York, two in Newport News and the one in Hampton. A Certificate of Need is required for a convalescent nursing home. In this case 10 beds can be moved from James River Nursing home in Newport News to the Hampton facility without any change of the Certificate of Need, as it is in the same planning district. The industry has seen that residents and the community want single occupancy rooms. This has been done at James River and Newport. This will increase the Hampton facility by 10 beds and will allow some single occupancy rooms in the Hampton facility. This will require an increase in staff.

The request is an expansion of a current use and will not impact traffic in the neighborhood and is compatible with the neighborhood.

In response to a question from Commissioner Young, Mr. Suttle stated the occupancy would not decrease, the occupancy is based on the number of beds and that will increase from 60 to 70.

There were no speakers from the public for either the rezoning or the use permit.

After discussion, the Commission approved the following:

WHEREAS: the Hampton Planning Commission has before it this day a proposal by Virginia Health Services, Inc. to rezone 3.43± acres at 1028 Topping Lane [LRSN 4000567] from Multiple Residence District (R-M) to Neighborhood Commercial District (C-1) for expansion of a convalescent home;

WHEREAS: the Hampton Community Plan (2006 as amended) recommends high density residential at this location;

WHEREAS: the property directly to the east houses a similar use and is zoned C-1;

WHEREAS: this is an existing facility and the request for expansion by 10 beds necessitates the rezoning;

WHEREAS: nine proffered conditions are attached to address capacity, site development, and operation;

WHEREAS: the applicant scheduled a community meeting to be held after the Planning Commission public hearing; and

WHEREAS: no one from the public spoke for or against this proposal.

NOW, THEREFORE, on a motion by Commissioner Carlton Campbell and seconded by Commissioner James Young,

BE IT RESOLVED that the Hampton Planning Commission does recommend to City Council approval of Rezoning Application No. 1304-2012, subject to nine (9) proffered conditions.

A roll call vote on the motion resulted as follows:

AYES:	Campbell, Young, McCloud, LaRue, Snead, Williams
NAYS:	None
ABST:	None
ABSENT:	Bunting

and

WHEREAS: the Hampton Planning Commission has before it this day a request for a use permit by Virginia Health Services, Inc. for a convalescent home in conjunction with rezoning application no. 1304-2012 on 3.43± acres at 1028 Topping Lane [LRSN 4000567];

WHEREAS: the Hampton Community Plan (2006 as amended) recommends high density residential at this location;

WHEREAS: the property directly to the east houses a similar use;

WHEREAS: this is an existing facility and the request for expansion by 10 beds necessitates the rezoning and use permit due to existing conditions limiting the number of beds to 60;

WHEREAS: four conditions are attached to address capacity, site development, and operation;

WHEREAS: the applicant scheduled a community meeting to be held after the Planning Commission public hearing; and

WHEREAS: no one from the public spoke for or against this proposal.

NOW, THEREFORE, on a motion by Commissioner Andre McCloud and seconded by Commissioner Gaynette LaRue,

BE IT RESOLVED that the Hampton Planning Commission does recommend to City Council approval of Use Permit Application No. 1083-2012, subject to four (4) conditions.

A roll call vote on the motion resulted as follows:

AYES:	Campbell, Young, McCloud, LaRue, Snead, Williams
NAYS:	None
ABST:	None
ABSENT:	Bunting

E. Conditional Privilege Application No. 130-2012 by Phoebus Investors, LLC to allow live entertainment at The Turtle, a full service restaurant, located at 24 N. Mallory Street [LSRN 12001982]. The property is zoned Limited Commercial (C-2), which permits live entertainment in conjunction with a restaurant subject to the securing of a Conditional Privilege. The Hampton Community Plan (2006, as amended) recommends mixed-use for this area.

City Planner Tamaria Green stated the request for Conditional Privilege No. 130-2012 by Phoebus Investors, LLC c/o John W. Boone is a proposal to provide live entertainment 2 within an existing restaurant at 24 N. Mallory Street (LRSN 12001982).

The applicant is proposing to offer live entertainment in the recently opened Turtle Restaurant at 24 N. Mallory Street, in the Phoebus area of the city. The live entertainment will include recorded music, live instrumental music, and/or a disc

jockey. The property is zoned Limited Commercial (C-2), which permits live entertainment in conjunction with a restaurant, subject to securing a conditional privilege. Hours of indoor live entertainment will be 11:00 AM to 12:00 AM Sunday through Thursday and 11:00 AM – 1:00 AM Friday and Saturday.

The existing building is currently used as a restaurant with a maximum occupancy of 240 persons. During times of live entertainment, occupancy will be limited to 105 persons. No significant interior or exterior changes are planned.

The Hampton Community Plan (2006, as amended) recommends mixed use for this area. In line with the Plan, this proposal will support a locally-owned small business while also providing for expansion of entertainment and tourism-related activities in the City.

There are ten (10) conditions attached to this request. The most pertinent of which are: hours, of operation; sound; capacity; ABC license; and the term of permit.

Expressions of support were received from Ann Hancock, Jan Miller, William Salyers and Mark Hollingsworth.

Staff recommends approval of Conditional Privilege Application No, 130-2012 subject to 10 conditions.

In response to Commissioner Campbell's question, the applicant, John Boone, proprietor of the Turtle and who resides at 46 North Willard Avenue, Hampton, stated a community meeting was not held because he had not received the email with information on who to contact as it was sent elsewhere in error and then he ran out of time before the meeting to schedule a community meeting.

In response to a question by Commissioner McCloud, Mr. Cannady stated staff sends notification regarding time and place of the Planning Commission meeting to the surrounding property owners, but staff does not set the community meeting time and place.

In response to a question from ~~by~~ Commissioner Campbell, Deputy Director of the Community Development Department/Building Official, Steven Shapiro stated building code sets occupancy limits. The formula for determining capacity for a location is calculated differently according to use of the facility. There is difference between a restaurant and a location that offers live entertainment, which is partially determined by the number of restrooms.

Jack Neal, 2 Mill Creek Terrace, Hampton stated he supports the request and considers the facility more as a restaurant than a bar. This property owner has been much better than the previous owner.

Ronnie Boone, 809 East Ocean View Avenue, Norfolk, father of the applicant stated his support of the request.

Jeanne Harrison, 25 North Hope Street, stated her residence is located directly behind the restaurant. She stated her only concern is if live entertainment brings in more people and would it increase after-hours noise levels, as the noise level at this time with the previous owner got a little high.

The applicant, John Boone stated there are cameras and the entire property is under 24 hour surveillance. If any problems arise he can be at the restaurant quickly, as he lives 3 blocks from the property. There are armed security guards and at any sign of a disturbance those involved are asked to leave the premises. Contact information will be provided.

In response to a question from ~~by~~ Commissioner Campbell, Mr. Boone stated there has been no change to the hours of operation; the only difference is the addition of live entertainment.

Senior Deputy City Attorney, Vanessa Valldejuli, in response to the concerns by Ms. Harrison, stated there is a specific condition attached to this request which states that sufficient staff shall be provided to monitor patron behavior upon their exit from the building into the surrounding area and under the Term of Permit provision ~~h~~ which states that after 12 months of operation the Community Development Department will schedule a review to consider continuation of the Conditional Privilege and review if there has been any occurrence of public inconvenience, annoyance, or disturbance. Also that the review will consider traffic flow and control, noise, neighborhood complaints, police service calls and any violations which would cause the Conditional Privilege to be revoked.

After discussion, the Commission approved the following:

WHEREAS: the Hampton Planning Commission has before it this day a proposal by Phoebus Investors, LLC, c/o John Boone to allow live entertainment in an existing restaurant at 24 N. Mallory Street [LRSN 12001982];

WHEREAS: the Phoebus Master Plan, (adopted August 2007) recommends the expansion of businesses that provide goods and services in keeping with the overall form of the area and in anticipation of future development of Fort Monroe;

WHEREAS: the proposal is consistent with the Hampton Community Plan (2006 as amended) which encourages the development and expansion of entertainment and tourism-related activities;

WHEREAS: the site is currently zoned Limited Commercial (C-2) District which allows live entertainment in conjunction with a restaurant subject to the securing of a Conditional Privilege;

WHEREAS: ten conditions are attached to address hours of operation, capacity, and a termination clause;

WHEREAS: although the applicant opted not to host a community meeting, there were no speakers in opposition to the application at the public hearing.

NOW, THEREFORE, on a motion by Commissioner James Young and seconded by Commissioner Chris Snead,

BE IT RESOLVED that the Hampton Planning Commission does recommend to City Council approval of Conditional Privilege Application No. 130-2012, subject to ten (10) conditions.

F. Conditional Privilege Application No. 131-2012 by Tiffany Barber and Kimberly Williams T/A Mom's Tot Spot to allow a day care 3 at 502B Woodland Road (LRSN 11001717). The property is zoned One Family Residence District (R-9 & R-11), which permits a day care 3 subject to securing a conditional privilege. The Hampton Community Plan (2006, as amended) recommends Public/Semi-public use for this area.

City Planner Alison Alexander stated this request is a proposal by Tiffany Barber & Kimberly Williams T/A Mom's Tot Spot Child Development Center, to operate a Day Care 3 for up to 89 children at 502B Woodland Road [LRSN 11001717].

This is a request for a conditional privilege to operate a day care facility for a maximum of 89 children ages 16 months to 11 years from 6:30 AM to 6:00 PM Monday through Friday.

The applicant intends to lease the rear building, from Hampton Church of Christ, in which the day care will be located at 502B Woodland Road. The church provides sufficient parking to allow the addition of day care services.

The property is zoned R-9 and R-11, One Family Residence District, which permits a Day Care 3 subject to securing a conditional privilege.

Mom's Tot Spot plans an opening in November 2012. The applicants held a community meeting on September 29, 2012 and no one spoke in opposition of this proposed use.

There are ten (10) conditions that go along with this request and they include: hours of operation; capacity; traffic circulation; and a termination clause.

The Hampton Community Plan (2006, as amended) recommends Public/Semipublic use for this area. The Plan also recommends policies that will encourage and maintain an environment that nurtures children in the Hampton community.

In line with the Hampton Community Plan, this proposal will encourage a nurturing atmosphere for children by providing a healthy and educational environment for children who are out of parental care for a portion of the day.

Staff recommends approval of Conditional Privilege No. 131-2012 with ten (10) conditions.

In response to Commissioner Campbell's question, Ms. Alexander stated the proposed facility is vacant at the moment. The day care must be licensed by the Department of Social Services and a set of inspections of the facility will be done by them. The applicant held a community meeting that was more of a festival on September 29. The weather kept the attendance down and there was no one there in opposition.

There were no speakers from the public.

After discussion, the Commission approved the following resolution.

WHEREAS: the Hampton Planning Commission has before it this day a proposal by Tiffany Barber and Kimberly Williams T/A Mom's Tot Spot CDC to permit a day care 3 in an existing building at 502B Woodland Road [LRSN 11001717];

WHEREAS: the Hampton Community Plan (2006 as amended) recommends public/semi-public use for this property, and the plan encourages an environment that promotes high quality community services and facilities;

WHEREAS: the site is currently zoned One Family Residence (R-9 & R-11) Districts which permit a day care 3 with an approved Conditional Privilege;

WHEREAS: ten conditions are attached to address hours of operation, traffic and circulation, capacity, and a termination clause; and

WHEREAS: no one from the public spoke for or against this proposal.

NOW, THEREFORE, on a motion by Commissioner Chris Snead and seconded by Commissioner Gaynette Larue,

BE IT RESOLVED that the Hampton Planning Commission does recommend to City Council approval of Conditional Privilege Application No. 131-2012, subject to ten (10) conditions.

A roll call vote on the motion resulted as follows:

AYES:	Campbell, Larue, McCloud, Snead, Williams, Young
NAYS:	None
ABST:	None
ABSENT:	Bunting

VI. Community Development Director's Report

Mr. Canady introduced the two new city planners, Tolu Ibikunle, who is present, and Garet Prior, who had to leave for a speaking engagement. The Planning division is now fully staffed.

VII. Items by the Public

No items by the public.

VIII. Matters by the Commission

Commissioner Campbell stated he and Commissioner Snead had attended an outstanding Planning Commissioners training meeting in Richmond and one of the things they had an opportunity to boast about was the Youth Planner model and there were a number of jurisdictions interested in knowing more about it. He stated he will contact Senior Planner Mike Hayes about it. One individual would like to have a presentation made regarding the program. The City has something in the city of Hampton in the Youth Commission that can be modeled throughout the state. Mike Hayes and his team who work with the Youth Commission have done a great job to make them what they are. There should be an opportunity for the Youth Commission to be contacted or asked to visit other organizations in the coming weeks.

Commissioner Snead stated it was an experience and eye opener on the role of the Planning Commission. Hampton was also recognized for number of citizen and stakeholder participants in the planning process. A lot of localities had issues in getting citizens to participate in those processes. Hampton was once again in the lead.

Commissioner Young stated Mike Hayes has an outstanding group of young people with which to work and has done an excellent job.

IX. Adjournment

There being no further business, the meeting adjourned at 5:12 PM.

Respectfully submitted,

Terry O'Neill
Secretary to Commission

APPROVED BY:

Gregory Williams
Chairman